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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/460,913 12/14/99 COMERFORD

L Y0998-522

EXAMINER

WM01/1207

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A7AD, A

ART UNIT

PAPER NUMBER

2641

DATE MAILED:

12/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/460,913

Applicant(s)

COMERFORD ET AL.

Examiner

ABUL K. AZAD

Art Unit

2641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1,3.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker et al. (US 6,097,806).

As per claim 1, Baker teaches, "In an apparatus for a portable language interface for a user to a device in communication with the apparatus, . . . a method for modifying a data structure contains the at least one interface data," comprising:

"adding a new application to the device" (col. 5, lines 33-55)

"generating a second user interface data set in accordance with the new application" (col. 5, lines 33-55)

"transferring the second user interface data set from the device to the apparatus and loading the second user interface data set into the data structure of the apparatus" (col. 6, lines 22-34).

As per claim 3, Baker teaches, "further comprising the step of removing a user interface data set from the data structure" (col. 3, lines 22-41)

As per claim 4, Baker teaches, "wherein the user interface data set is removed prior to the loading step in accordance with a least recently used algorithm." (col. 3, lines 22-41).

As per claim 5, Baker teaches, 'wherein the user interface data set is removed in accordance with a request by an application" (col. 3, lines 22-41).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (US 6,097,806).

As per claim 6, Baker teaches:

"the device requesting a language interface data set from the external network upon discovery of the of external network; the external network transferring the language interface data set to the device; and loading the language interface data set into the data structure of the device for use by the user interfacing with the external network." (Abstract)

Baker does not explicitly teach spoken language. It would have been obvious to one of ordinary skill in the art at the time of the invention to use spoken language data instead of language data so as to create correct pronunciation of that language.

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5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (US 6,097,806) as applied to claim 6 above, and further in view of Alley et al. (US 5,845,282).

As per claim 7, Baker does not teach, "wherein the device is in wireless communications with the external network." However, Alley teaches the device is in wireless communication with the external network (col. 10, 1-8). It would have been obvious to one of ordinary skill in the art at the time of the invention to use wireless communication because of user's convenience to communicate from any place.

As per claim 8, Baker does not teach, "wherein the device comprises a personal digital assistant." However, Alleys teaches a personal digital assistant (PDA) (col. 4, lines 50-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a PDA as taught by Alleys in the invention of Baker because Alleys teaches data can be transferred from a remote computer (col. 2, lines 30-44).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (US 6,097,806) as applied to claim 1 above, and further in view of Alley et al. (US 5,845,282).

Baker does not teach, "further comprising the step of audibly notifying the user that the new application is useable via the audio output system." However, it has been taught by Alley (col. 6, lines 17-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to use audio system for notifying so as to user's convenience.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **David R. Hudspeth**, can be reached at **(703) 308-4825**.

Any response to this action should be mailed to:

**Commissioner for Patents
Washington, D.C. 20231**

Or faxed to:

(703) 305-9508

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is **(703) 305-3900**.

Abul K. Azad

December 2, 2000



**DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**